

ASSEMBLY BILL

No. 2105

Introduced by Assembly Member Frazier

February 20, 2014

An act to amend Sections 3953 and 4902 of, and to add Section 709 to, the Fish and Game Code, relating to mammals.

LEGISLATIVE COUNSEL'S DIGEST

AB 2105, as introduced, Frazier. Big game mammals: bighorn sheep.

Existing law, except as provided, prohibits the taking or possession of fully protected mammals or parts of those mammals at any time. Existing law establishes a list of fully protected mammals, including bighorn sheep (*Ovis canadensis*) generally, but excepts Nelson bighorn sheep (subspecies *Ovis canadensis nelsoni*) under specified circumstances.

Existing law requires all money collected under the provisions of the Fish and Game Code, including money received as a result of the sale of licenses issued under the provisions of the code, to be deposited into the Fish and Game Preservation Fund, unless otherwise provided. Existing law grants authority to the Department of Fish and Wildlife to issue tags, stamps, and licenses for the hunting of antelope, elk, deer, wild pigs, bear, and bighorn sheep upon payment of a fee, to be deposited into the Big Game Management Account in the Fish and Game Preservation Fund. Existing law authorizes the Fish and Game Commission to set the cost of a Nelson bighorn ram tag at not more than \$500.

The bill would require the department to authorize a nonprofit organization designated by the department to assist in the sale of these

tags to retain 5% of the amount of the sale price of the tag, plus any applicable credit card fees, as a reasonable vendor fee.

The bill would set a Nelson bighorn ram tag at \$400 for residents and would require the commission, on or before July 1, 2015, by regulation, to fix the fee for a nonresident of the state at not less than \$1,500 for the same tag. The bill would subject the price of each tag to an annual specified adjustment.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature hereby finds and declares all of
2 the following:
- 3 (a) The National Survey of Fishing, Hunting, and
4 Wildlife-Associated Recreation has been conducted since 1955
5 and is one of the oldest and most comprehensive continuing
6 recreation surveys.
- 7 (b) A National Survey of Fishing, Hunting, and
8 Wildlife-Associated Recreation conducted by the United States
9 Fish and Wildlife Service in 2011 found all of the following:
- 10 (1) Over 90,000,000 United States residents 16 years of age and
11 older participated in wildlife-dependent recreation.
- 12 (2) Individuals participating in wildlife-dependent recreation
13 spent \$145,000,000,000 in 2011 on their activities, which equated
14 to 1 percent of the gross domestic product.
- 15 (3) In 2011 alone, hunters and anglers spent \$90,000,000,000
16 on equipment, travel, licenses and fees, and other related expenses,
17 while wildlife viewers spent \$45,700,000,000.
- 18 (4) According to the California Department of Fish and Wildlife,
19 hunters and anglers spend \$3,500,000,000 in California annually.
20 In addition, the department reported the following:
- 21 (5) Spending by hunters and anglers directly supports 56,000
22 jobs in California and generates \$487,500,000 annually in state
23 and local taxes.
- 24 (6) Hunting and fishing supports more jobs than any employer
25 in California.
- 26 (7) Jobs supported by hunters and anglers pay California
27 employees more than \$2,300,000,000 in salaries and wages
28 annually.

1 (8) The economic stimulus of hunting and fishing equates to
2 \$18,000,000 each day being pumped into the California economy.

3 (9) Hunter-generated dollars helped purchase and maintain
4 1,000,000 acres of state-owned lands in California.

5 (10) Hunting and fishing license tag and stamp sales generate
6 \$83,000,000 annually for the California Department of Fish and
7 Wildlife's conservation and scientific efforts.

8 (11) Over 700,000 acres of wetland habitat has been restored,
9 enhanced, and protected in California by hunters since 1988.

10 (12) Hunters generate more than \$9,000,000 annually for
11 California via the Pittman-Robertson Federal Aid in Wildlife
12 Restoration Act, federal legislation lobbied for and passed by
13 hunters in 1937.

14 (13) Hunting and angling serve as the cornerstone of the North
15 American Model of Wildlife Conservation, and serve as the
16 primary source of funding for conservation efforts in North
17 America.

18 (14) The desert bighorn sheep is the most coveted and treasured
19 big game animal in the State of California with special hunting
20 tags necessary for their harvest selling at auction for hundreds of
21 thousands of dollars with the revenue going back to the Department
22 of Fish and Wildlife for needed wild sheep habitat projects and
23 research.

24 (15) In 1986, the Legislature fixed the price of both resident
25 and nonresident bighorn desert sheep tags in statute at \$500,
26 without the ability to adjust for inflation or demand, and permits
27 no more than 15 percent of these tags to be auctioned as discussed
28 above.

29 (16) According to the Bureau of Labor Statistics, from October
30 of 1986 to October of 2013, inclusive, the cost-of-living has
31 increased by 112 percent. Considering inflation alone, the \$500
32 tag fee from 1986 should have risen to \$1,060 by 2013 based on
33 inflation.

34 (17) As the least plentiful of the four species of wild mountain
35 sheep that inhabit North America, the demand for desert bighorn
36 sheep tags has grown significantly since 1986. In other states,
37 prices for tags for much more abundant wild sheep have risen
38 sharply since 1986.

39 (18) Nonresident desert bighorn sheep tags are available in only
40 six states, making that desert bighorn tag the most difficult to

1 acquire. In 2013, California offered hunters only 20 desert bighorn
2 sheep tags in the public draw. Thirteen thousand four hundred
3 thirty-five hunters applied for those 20 tags, up from 4,628 who
4 applied just 15 years earlier in 1999. Despite the huge increase in
5 demand, the \$500 tag fee has remained unchanged.

6 (19) In 2014, California is charging nonresidents \$1,328 for an
7 elk tag, despite the fact that elk are overwhelmingly abundant
8 across the western United States and Canada. In addition,
9 California has over 300 elk tags available for hunters, 15 times the
10 number of desert bighorn sheep tags.

11 SEC. 2. Section 709 is added to the Fish and Game Code, to
12 read:

13 709. A nonprofit organization designated by the department
14 to assist in the sale of deer, elk, antelope, or bighorn sheep
15 fundraising tags that are sold on behalf of the department for the
16 purpose of raising funds for specified programs and projects,
17 pursuant to subdivision (c) of Section 331, subdivision (d) of
18 Section 332, subdivision (a) of Section 4334, or subdivision (d)
19 of Section 4902, is authorized to retain 5 percent of the amount of
20 the sale price of the tag, plus any applicable credit card fees, as a
21 reasonable vendor fee.

22 SEC. 3. Section 3953 of the Fish and Game Code is amended
23 to read:

24 3953. (a) The Big Game Management Account is hereby
25 established within the Fish and Game Preservation Fund.

26 (b) ~~All revenues from the sale~~ *Except as provided in Section*
27 *709, 100 percent of the sale price* of antelope, elk, deer, wild pig,
28 bear, and sheep tags, including any fundraising tags, shall be
29 deposited in the Big Game Management Account to permit separate
30 accountability for the receipt and expenditure of these funds.

31 (c) Funds deposited in the Big Game Management Account
32 shall be available for expenditure upon appropriation by the
33 Legislature to the department. These funds shall be expended solely
34 for the purposes set forth in this section and Sections 3951 and
35 3952, and Chapter 5 (commencing with Section 450) of Division
36 1, Chapter 7 (commencing with Section 4650), and Chapter 11
37 (commencing with Section 4900), including acquiring land,
38 completing projects, and implementing programs to benefit
39 antelope, elk, deer, wild pigs, bear, and sheep, and expanding
40 public hunting opportunities and related public outreach. Any land

1 acquired with funds from the Big Game Management Account
2 shall be acquired in fee title or protected with a conservation
3 easement and, to the extent possible, be open or provide access to
4 the public for antelope, elk, deer, wild pig, bear, or sheep hunting.
5 The department may also use funds from the Big Game
6 Management Account to pay for administrative and enforcement
7 costs of the programs and activities described in this section. The
8 amount allocated from the account for administrative costs shall
9 be limited to the reasonable costs associated with administration
10 of the programs and activities described in this section.

11 (d) The department may make grants to, reimburse, or enter
12 into contracts or other agreements, as defined in subdivision (a)
13 of Section 1571, with nonprofit organizations for the use of the
14 funds from the Big Game Management Account to carry out the
15 purposes of this section, including related habitat conservation
16 projects.

17 (e) An advisory committee, as determined by the department,
18 that includes interested nonprofit organizations that have goals
19 and objectives directly related to the management and conservation
20 of big game species and primarily represent the interests of persons
21 licensed pursuant to Section 3031 shall review and provide
22 comments to the department on all proposed projects funded from
23 the Big Game Management Account to help ensure that the
24 requirements of this section have been met. The department shall
25 post budget information and a brief description on an Internet Web
26 site for all projects funded from the Big Game Management
27 Account.

28 (f) Big game projects authorized pursuant to this section are not
29 subject to Part 2 (commencing with Section 10100) of Division 2
30 of the Public Contract Code or Article 6 (commencing with Section
31 999) of Chapter 6 of Division 4 of the Military and Veterans Code.

32 (g) The department shall maintain the internal accountability
33 necessary to ensure compliance with the collection, deposit, and
34 expenditure of funds specified in this section.

35 SEC. 4. Section 4902 of the Fish and Game Code is amended
36 to read:

37 4902. (a) The commission may adopt all regulations necessary
38 to provide for biologically sound management of Nelson bighorn
39 sheep (subspecies *Ovis canadensis nelsoni*).

(b) (1) After the plans developed by the department pursuant to Section 4901 for the management units have been submitted, the commission may authorize sport hunting of mature Nelson bighorn rams. Before authorizing the sport hunting, the commission shall take into account the Nelson bighorn sheep population statewide, including the population in the management units designated for hunting.

(2) Notwithstanding Section 219, the commission shall not, however, adopt regulations authorizing the sport hunting in a single year of more than 15 percent of the mature Nelson bighorn rams in a single management unit, based on the department's annual estimate of the population in each management unit.

(c) The fee for a tag to take a Nelson bighorn ram ~~may be determined by the commission, but shall not exceed five hundred dollars (\$500)~~ *shall be four hundred dollars (\$400) for a resident of the state, which shall be adjusted annually pursuant to Section 713. On or before July 1, 2015, the commission shall, by regulation, fix the fee for a nonresident of the state at not less than one thousand five hundred dollars (\$1,500), which shall be adjusted annually pursuant to Section 713.* Fee revenues shall be deposited in the Big Game Management Account established in Section 3953 and, upon appropriation by the Legislature, shall be expended as set forth in that section.

(d) The commission shall annually direct the department to authorize not more than three of the tags available for issuance that year to take Nelson bighorn rams for the purpose of raising funds for programs and projects to benefit Nelson bighorn sheep. These tags may be sold to residents or nonresidents of the State of California at auction or by another method and shall not be subject to the fee limitation prescribed in subdivision (c). Commencing with tags sold for the 1993 hunting season, if more than one tag is authorized, the department shall designate a nonprofit organization organized pursuant to the laws of this state, or the California chapter of a nonprofit organization organized pursuant to the laws of another state, as the seller of not less than one of these tags. The number of tags authorized for the purpose of raising funds pursuant to this subdivision, if more than one, shall not exceed 15 percent of the total number of tags authorized pursuant to subdivision (b). All revenue from the sale of tags pursuant to this subdivision shall be deposited in the Big Game

1 Management Account established in Section 3953 and, upon
2 appropriation by the Legislature, shall be expended as set forth in
3 that section.

4 (e) No tag issued pursuant to this section shall be valid unless
5 and until the licensee has successfully completed a prehunt hunter
6 familiarization and orientation and has demonstrated to the
7 department that he or she is familiar with the requisite equipment
8 for participating in the hunting of Nelson bighorn rams, as
9 determined by the commission. The orientation shall be conducted
10 by the department at convenient locations and times preceding
11 each season, as determined by the commission.

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